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Establishing Care Standards for Oiled Birds

Oil spills can devastate fish and wildlife, as evidenced by the Nestucca, Exxon Valdez, and Tenyo Maru spills. As the state's fish and wildlife trustee, the Washington Department of Fish and Wildlife (WDFW) has oversight responsibility for oiled wildlife care standards. This requires close coordination with wildlife rehabilitators, other government agencies, the oil industry, tribes, and volunteers. In its role as trustee, WDFW is drafting rules establishing state standards for oiled bird rehabilitation. These rules are being developed in an open and public process under the authority granted to WDFW by the Washington Legislature (RCW 77 and RCW 90.56.110).

The state's role in oil-spill response

Comprehensive legislation (RCW 90.56) approved in 1991 identifies the Washington Department of Ecology as the state's primary authority for overseeing prevention, containment, and cleanup of oil and other contaminants in waters of the state. This legislation directs Ecology to develop rules requiring entities that refine, store, and ship significant quantities of petroleum in Washington to maintain contingency plans for containing and cleaning up oil spills. These contingency plans must address the protection of fish, wildlife, and other natural resources in the event of a petroleum spill.

RCW 90.56 gives WDFW the authority to adopt rules establishing specific methods and standards by which oiled wildlife is rehabilitated during oil spills. Historically, these activities have occurred *ad hoc* because treatment protocols were not well developed and resource needs were poorly understood. However, over the past decade, the level of understanding regarding the needs of oiled birds has greatly improved, resulting in significantly higher rehabilitation success rates. WDFW intends to capture these improvements in formal rules.



Tufted Puffins nest in colonies on Washington's rocky coastlines. Low population numbers make these spectacular birds especially vulnerable to oil spills.

RCW 90.56.110

RCW 90.56.110, approved by the state Legislature in 1991, states that WDFW “may adopt rules including, but not limited to, the following:

- (1) Procedures and methods of handling and caring for waterfowl or other wildlife affected by spills of oil and other hazardous substances;
- (2) The certification of persons trained in the removal of pollutants from waterfowl or other wildlife;
- (3) Development of procedures with respect to removal of oil and other hazardous substances from waterfowl or other wildlife;
- (4) The establishment of training exercises, courses, and other training procedures as necessary;
- (5) Such other rules as may be reasonably necessary to carry out the intent of RCW 90.56.100.”



Common Murres have been the most commonly impacted species by oil spills in Washington waters.

Rationale for adopting oiled bird rehabilitation rules

Drawing on the best science, WDFW intends to establish rules for oiled bird rehabilitation for the following reasons:

- **Public expectations:** Past experience has shown that the people of Washington expect state agencies and responsible parties to make the best possible effort to rehabilitate oiled wildlife in the aftermath of a spill. Formal standards, based on the best available science, will facilitate that type of response.
- **Statutory Authority:** WDFW is authorized under RCW 77 to define rules for the overall rehabilitation of wildlife within Washington State. RCW 90.56.110 specifically provides for WDFW’s authority to adopt rules to address the rescue and rehabilitation needs of oiled wildlife.
- **Contingency plan support:** Under state law, Ecology has the authority to require those entities that refine, store, or ship significant quantities of petroleum to develop and maintain contingency plans to address oiled wildlife. However, WDFW has responsibility for determining the methods and procedures for *how* oiled wildlife rescue and rehabilitation occurs. Once adopted these rules will allow Ecology to clearly require adequate oiled wildlife readiness in contingency plans.
- **Clear and reasonable expectations:** Those entities required to address wildlife rehabilitation, either in contingency plans or when oil is spilled, expect that government requirements imposed on them will be developed through an open and fair process. This is WDFW’s intent in developing formal oiled bird rehabilitation rules.

Laying the groundwork

The rules that WDFW develops will be based on the best available science. To ensure this, WDFW consulted with leading experts in the field of oiled bird rescue and rehabilitation. This work is captured in the December 2003 report received from the University of California, Davis School of Veterinarian Medicine and forms the backbone of this rule making effort.